

U.S. Patent Application No. 10/088,750  
Supplemental Response To Restriction Requirement

**REMARKS**

This Supplemental Response to Restriction Requirement and Amendment supplements the Response to Restriction Requirement filed on June 19, 2004.

Claims 5 - 7 are amended. Claims 20 - 29 are added to further define the method of the claimed invention. The amended claims are fully supported by the present application, and no new matter has been added. Entry of the amendments before the examination of the application on the merits is therefore respectfully requested. The subject matter of claims 20-29 would be a part of the elected invention and therefore should be examined at this time.

**Response to Restriction Requirement**

In the Office Action of May 19, 2004, the Examiner set forth a restriction requirement wherein the applicants were required to select one nucleotide sequence from SEQ ID NO: 1-7. The Examiner alleged that any nucleotide sequence, absent factual data to the contrary, is a distinct polynucleotide. The Examiner further alleged that the claims are directed to different inventions that are not linked to form a single general concept. The Examiner further alleged that the claims containing different sequences do not have in common the same or corresponding technical features and alleges that each nucleotide sequence is directed to a distinct RNA higher order structure. The Examiner takes the position that the claims are not so linked by a special technical feature within the meaning of PCT 13.2 so as to form a single inventive concept and that lack of unity is proper.

The restriction requirement is respectfully traversed. The previous comments set forth in the Response filed June 21, 2004 are fully incorporated herein by reference and will not be repeated, and Applicants maintain the election of SEQ ID NO:1, with traverse, as set forth in the previous response.

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The present invention relates to the discovery that RNA molecules that have a higher order structure corresponding to that of the RNAs represented by the sequences of SEQ ID NO:1 - 7 can function to promote translation activity. In particular, translation activity is promoted by an RNA molecule that has a higher order structure having at least pseudoknot I, II and III structures.

As discussed in the specification in Example 1, all of the RNAs represented by SEQ ID NO: 1 - 7 share a common higher order structure that includes four stem-loop structures (ST III, ST IX, ST V and ST VI) and three pseudoknot structures (PK I, PK II and PK III). As shown in Figure 4, this common higher order structure of the RNAs represented by SEQ ID NO: 1 - 7 can be correlated to the linear sequence of the RNAs.

Accordingly, the group of RNAs represented by SEQ ID NO: 1 - 7 clearly have both a common structure, the higher order structure that includes the pseudoknot structures (PK I, PK II and PK III), and a common activity, the promoting of translation activity. Therefore, the group of RNAs represented by SEQ ID NO: 1 - 7 are clearly linked by a special technical feature to form a single inventive concept as required by Rule 13.2 and clearly meet the requirement of unity of invention

Further, it is respectfully submitted that the remaining SEQ ID NO: 2-7 can be examined without a serious burden to the Examiner, since the sequences are all relatively short in length.

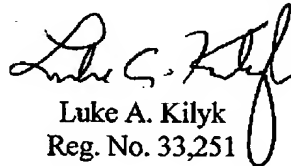
**Conclusion**

In view of the above discussion, it is respectfully requested that the Examiner withdraw the restriction requirement of May 19, 2004 and examine all of the embodiments of Claims 1 - 29, including SEQ ID NOs:1-7.

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If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

  
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